

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

ESTATE OF JAMES RODERICK
SPENCER, through its Personal
Representative, YOLANDA A. SPENCER,

Plaintiff,

Case No.
HON.

NOTICE OF REMOVAL

v

FAREY EXPRESS, LLC and
MOHAMED SALAAD ALI, jointly and
severally,

Defendants.

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**DEFENDANTS' NOTICE OF REMOVAL TO THE UNITED STATES
DISTRICT COURT WESTERN DISTRICT OF MICHIGAN**

PLEASE TAKE NOTICE that Defendants FAREY EXPRESS, LLC and
MOHAMED SALAAD ALI, by and through their attorneys, GORDON REES
SCULLY MANSUKHANI, hereby remove this action entitled *Estate of James*

Roderick Spencer, through its Personal Representative, Yolanda A Spencer, v Fareey Express, LLC and Mohamed Salaad Ali, Case No. 22-66102-NI, from the Michigan Circuit Court for the County of Allegan, to the United States District Court for the Western District of Michigan, and in support thereof, file this Notice of Removal based on the following:

1. On or about August 9, 2022, Plaintiff Estate of James Roderick Spencer, through its Personal Representative Yolanda A. Spencer, commenced an action against Defendants Fareey Express, LLC and Mohamed Salaad Ali entitled *Estate of James Roderick Spencer, through its Personal Representative, Yolanda A Spencer, v Fareey Express, LLC and Mohamed Salaad Ali*, Allegan County Circuit Court Case No. 22-66102-NI, assigned to the Honorable Margaret Zuzich Bakker. (**Exhibit 1**, Plaintiff's Summons and Complaint).

2. This Notice is being filed within 30 days of receipt by Defendants of Plaintiff's Complaint as required under 28 U.S.C. § 1446(b). (**Exhibit 2**, Defendant Mohamed Salaad Ali's Affidavit).

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 as the amount in controversy exceeds \$75,000.00 and is between citizens of different states.

4. Defendants demonstrate to this Honorable Court that this action involves a controversy between citizens of different states as detailed below:

- a. At the time of the commencement of this action and at all times relevant hereto, Yolanda A. Spencer, wife of decedent James Roderick Spencer (“decedent”), is and has been the Personal Representative of the Estate of James Roderick Spencer, a decedent’s estate pending in the Lake Superior Court Probate Division, Lake County, Indiana, Cause No. 45D11-2205. Upon information and belief, decedent was a resident of the State of Indiana at the time of his death. (**Exhibit 1**, Plaintiff’s Summons and Complaint).
- b. Defendant Fareey Express, LLC, at the time of the commencement of this action and at all times relevant hereto, was, and now is a limited liability company with its principal place of business located in the City of Gilbert, County of Maricopa, State of Arizona. (**Exhibit 3**, Federal Motor Carrier Safety Administration Details). At the time of the commencement of this action and at all times relevant hereto, interest in Defendant Fareey Express, LLC, is held by one (1) member, Defendant Mohamed Salaad Ali.
- c. Defendant Mohamed Salaad Ali, at the time of the commencement of this action and at all times relevant hereto, was, and is a resident of the City of Gilbert, County of Maricopa, State of Arizona.

(**Exhibit 2**, Defendant's Affidavit, ¶ 2.)

5. Written notice of filing this removal has been given to all adverse parties as required by law and a copy of this Notice of Removal has been filed with the Clerk of the Court for the Allegan County Circuit Court by electronic filing.

6. Defendants rely on a demand for trial by jury of each and every matter at issue previously filed in *Estate of James Roderick Spencer, through its Personal Representative, Yolanda A Spencer, v Fareey Express, LLC and Mohamed Salaad Ali*, Allegan County Circuit Court Case No. 22-66102-NI, in the Michigan Circuit Court for the County of Allegan.

WHEREFORE, Defendants FAREEY EXPRESS, LLC and MOHAMED SALAAD ALI respectfully request that this Honorable Court enter an Order removing this cause of action from the Allegan County Circuit Court to the United States District Court for the Western District of Michigan.

Respectfully submitted,

Gordon Rees Scully Mansukhani

By: /s/ John T. Eads, III

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Dated: September 23, 2022